

REMARKS

Claims 1-6 are pending in the application. Claims 7-12 have been added. Claims 1-6 have been rejected.

Claim Rejections based on 35 U.S.C. § 101

Claims 1-6 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-6 of U.S. Patent 6,731,936.

Applicants have not amended claims 1-6 because Applicants respectfully submit that the statutory double patenting rejection is improper. Applicants submit that the claims in U.S. Patent 6,731, 936 are not identical to the claims in the present case. The issued U.S. Patent 6,731,936 has claims directed to a method, while the claims in the present application are directed to an apparatus. Therefore, the double patenting rejection is improper under 35 U.S.C. § 101 as described in M.P.E.P. § 804 II A. Applicants respectfully request that the statutory double patenting rejection be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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